

## Commonwealth of Massachusetts

BERKSHIRE, ss.

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

SUPERIOR COURT

CIVIL ACTION

No. ....

Michael A. Deep

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Plaintiff(s)

City of North Adams; John Barrett, Mayor; North Adams Planning Board; Michael Leary; Paul Hopkins; William Schrade; Joseph Gniadek; Paul Senecal; David Babcock; Edna Rudnick; Kyle Hanlon; & Wayne Wilkinson as Members of The North Adams Planning Board; and Katherine Eade Administrative Officer of the City of North Adams

## SUMMONS

To the above-named Defendant: Michael Leary

You are hereby summoned and required to serve upon ... Fred T. Thompson .....

plaintiff's attorney, whose address is ... 66 Summer Street, North Adams, MA 01247 .....

....., an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Pittsfield either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, ROBERT L. STEADMAN , Esquire at Pittsfield, the ..... 1st ..... day of April ....., in the year of our Lord ~~two thousand four~~ two thousand four

*Robert S. Caplan*  
CLERK.

## NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) - TORT - (2) MOTOR VEHICLE TORT - (3) CONTRACT - (4) - EQUITABLE RELIEF - (5) - OTHER

COMMONWEALTH OF MASSACHUSETTS

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SUMMONS

(Mass. R. Civ. P. 4)

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PLAQUE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN  
THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

Deputy Sheriff

Deputy Sheriff, Ronald P. Clark

I hereby certify and return that on 4/12/2004 at 6:00PM I served a true and attested copy of the Summons & Verified Complaint in this action in the following manner: To wit, by delivering in hand to Michael Leary at 10 Main Street, North Adams, MA 01247. Attestation (\$5.00), Conveyance (\$4.50), Postage & Handling (\$1.00), Service Fee (\$30.00), Travel (\$20.48) Total Charges \$60.98

April 13, 2004

467 Cheshire Rd. • Pittsfield, MA 01201 • (413) 443-6841

Berkshire County Sheriff's Office • Judicial Process Division

PROOF OF SERVICE OF PROCESS

